

Docket No.: MASIMO.236C1

Customer No. 20,995

INFORMATION DISCLOSURE STATEMENT

Appl. No. : 10/695,405
Applicants : Mohamed K. Diab
Filed : October 28, 2003
TC/A.U. : 3736
Examiner : Eric F. Winakur

Title : *Optical Spectroscopy
Pathlength
Measurement System*

Docket No. : MASIMO.236C1
Customer No. : 20,995

Confirmation No. : 5638

Certificate Of Fax Transmission

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (571) 273-8300 on the date shown below:

January 24, 2006

(Date)

John M. Grover, Reg. No. 42,610

Mail Stop Amendment
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

JAN 24 2006

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing 138 references to be considered by the Examiner.

This Information Disclosure Statement is being filed before the mailing date of a final action and before the mailing of a Notice of Allowance. This Statement is accompanied by the fees set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 24, 2006

By:

John M. Grover
Registration No. 42,610
Attorney of Record
Customer No. 20,995
(949) 760-0404

01/25/2006 YPOLITE1 00000041 111410 10695405

02 FC:1806 180.00 DA
2318424
012306

PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	10/695,405
	Filing Date	October 28, 2003
	First Named Inventor	Mohamed K. Diab
	Art Unit	3736
(Multiple sheets used when necessary)		Examiner
SHEET 1 OF 5		Attorney Docket No.
		MASIMO.236C1

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	6,985,764	01/2006	Mason, et al.	
	2	6,979,812	12/2005	Al-Ali	
	3	6,970,792	11/2005	Diab	
	4	6,961,598	11/2005	Diab	
	5	6,950,687	09/2005	Al-Ali	
	6	6,943,348	09/2005	Coffin, IV	
	7	6,939,305	09/2005	Flaherty, et al.	
	8	6,934,570	08/2005	Kiani, et al.	
	9	6,931,268	08/2005	Kiani-Azarbayjany, et al.	
	10	6,920,345	07/2005	Al-Ali, et al.	
	11	6,898,452	05/2005	Al-Ali, et al.	
	12	6,861,639	03/2005	Al-Ali	
	13	6,852,083	02/2005	Caro, et al.	
	14	6,850,788	02/2005	Al-Ali	
	15	6,850,787	02/2005	Weber, et al.	
	16	6,830,711	12/2004	Mills, et al.	
	17	6,826,419	11/2004	Diab, et al.	
	18	6,822,564	11/2004	Al-Ali	
	19	6,816,741	11/2004	Diab	
	20	6,813,511	11/2004	Diab, et al.	
	21	6,792,300	09/2004	Diab, et al.	
	22	6,771,994	08/2004	Kiani, et al.	
	23	6,770,028	08/2004	Ali, et al.	
	24	6,760,607	07/2004	Al-Ali	
	25	6,745,060	06/2004	Diab, et al.	
	26	6,735,459	05/2004	Parker	
	27	6,725,075	04/2004	Al-Ali	
	28	6,721,585	04/2004	Parker	
	29	RE38,492	04/2004	Diab, et al.	

Examiner Signature

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i>	Application No.	10/695,405
	Filing Date	October 28, 2003
	First Named Inventor	Mohamed K. Diab
	Art Unit	3736
SHEET 2 OF 5		Examiner Eric F. Winakur
		Attorney Docket No. MASIMO.236C1

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	6,714,804	03/2004	Al-Ali, et al.	
	31	RE38,476	03/2004	Diab, et al.	
	32	6,699,194	03/2004	Diab, et al.	
	33	6,897,658	02/2004	Al-Ali	
	34	6,697,656	02/2004	Al-Ali	
	35	6,684,091	01/2004	Parker	
	36	6,684,090	01/2004	Ali, et al.	
	37	6,678,543	01/2004	Diab, et al.	
	38	6,671,531	12/2003	Al-Ali, et al.	
	39	6,661,161	12/2003	Lanzo, et al.	
	40	6,658,276	12/2003	Diab, et al.	
	41	6,654,624	11/2003	Diab, et al.	
	42	6,650,917	11/2003	Diab, et al.	
	43	6,643,530	11/2003	Diab, et al.	
	44	6,640,116	10/2003	Diab	
	45	6,632,181	10/2003	Flaherty, et al.	
	46	6,606,511	08/2003	Ali, et al.	
	47	6,597,933	07/2003	Kiani, et al.	
	48	6,595,316	07/2003	Cybulski, et al.	
	49	6,584,336	06/2003	Ali, et al.	
	50	6,580,086	06/2003	Schulz, et al.	
	51	6,542,764	04/2003	Al-Ali, et al.	
	52	6,541,756	04/2003	Schulz, et al.	
	53	6,526,300	02/2003	Kiani, et al.	
	54	6,525,386	02/2003	Mills, et al.	
	55	6,519,487	02/2003	Parker	
	56	6,515,273	02/2003	Al-Ali	
	57	6,501,975	12/2002	Diab, et al.	
	58	6,470,199	10/2002	Kopotic, et al.	

Examiner Signature

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	10/695,405
	Filing Date	October 28, 2003
	First Named Inventor	Mohamed K. Diab
	Art Unit	3736
(Multiple sheets used when necessary)	Examiner	Eric F. Winakur
SHEET 3 OF 5	Attorney Docket No.	MASIMO.236C1

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	59	6,463,311	10/2002	Diab	
	60	6,430,525	08/2002	Weber, et al.	
	61	6,397,091	05/2002	Diab, et al.	
	62	6,388,240	05/2002	Schulz, et al.	
	63	6,377,829	04/2002	Al-Ali	
	64	6,371,921	04/2002	Caro, et al.	
	65	6,360,114	03/2002	Diab, et al.	
	66	6,349,228	02/2002	Kiani, et al.	
	67	6,343,224	01/2002	Parker	
	68	6,334,065	12/2001	Al-Ali, et al.	
	69	6,321,100	11/2001	Parker	
	70	6,285,896	09/2001	Tobler, et al.	
	71	6,280,213	08/2001	Tobler, et al.	
	72	6,278,522	08/2001	Lepper, Jr., et al.	
	73	6,263,222	07/2001	Diab, et al.	
	74	6,256,523	07/2001	Diab, et al.	
	75	6,236,872	05/2001	Diab, et al.	
	76	6,229,856	05/2001	Diab, et al.	
	77	6,206,830	03/2001	Diab, et al.	
	78	6,184,521	02/2001	Coffin, IV, et al.	
	79	6,165,005	12/2000	Mills, et al.	
	80	6,157,850	12/2000	Diab, et al.	
	81	6,152,754	11/2000	Gerhardt, et al.	
	82	6,151,516	11/2000	Kiani-Azarbayjany, et al.	
	83	6,144,868	11/2000	Parker	
	84	6,110,522	08/2000	Lepper, Jr., et al.	
	85	6,088,607	07/2000	Diab, et al.	
	86	6,081,735	06/2000	Diab, et al.	
	87	6,087,462	05/2000	Diab, et al.	

Examiner Signature	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i> SHEET 4 OF 5	Application No.	10/695,405
	Filing Date	October 28, 2003
	First Named Inventor	Mohamed K. Diab
	Art Unit	3736
	Examiner	Eric F. Winakur
	Attorney Docket No.	MASIMO.236C1

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	88	6,045,509	04/2000	Caro, et al.	
	89	6,036,642	03/2000	Diab, et al.	
	90	6,027,452	02/2000	Flaherty, et al.	
	91	6,011,986	01/2000	Diab, et al.	
	92	6,002,952	12/1999	Diab, et al.	
	93	5,997,343	12/1999	Mills, et al.	
	94	5,995,855	11/1999	Kiani, et al.	
	95	5,940,182	08/1999	Lepper, Jr., et al.	
	96	5,934,925	08/1999	Tobler, et al.	
	97	5,919,134	07/1999	Diab	
	98	5,904,654	05/1999	Wohltmann, et al.	
	99	5,890,929	04/1999	Mills, et al.	
	100	5,860,919	01/1999	Kiani-Azarbayjany, et al.	
	101	5,833,618	11/1998	Caro, et al.	
	102	5,830,131	11/1998	Caro, et al.	
	103	5,823,950	10/1998	Diab, et al.	
	104	5,810,734	09/1998	Caro, et al.	
	105	5,791,347	08/1998	Flaherty, et al.	
	106	5,785,659	07/1998	Caro, et al.	
	107	5,782,757	07/1998	Diab, et al.	
	108	5,769,785	06/1998	Diab, et al.	
	109	5,760,910	06/1998	Lepper, Jr., et al.	
	110	5,758,644	06/1998	Diab, et al.	
	111	5,743,262	04/1998	Lepper, Jr., et al.	
	112	Des. 393,830	04/1998	Tobler, et al.	
	113	5,685,299	11/1997	Diab, et al.	
	114	5,645,440	07/1997	Tobler, et al.	
	115	5,638,818	06/1997	Diab, et al.	
	116	5,638,816	08/1997	Kiani-Azarbayjany, et al.	

Examiner Signature

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* Please check mark in this area when an English language Translation is attached

PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i>	Application No.	10/895,405
	Filing Date	October 28, 2003
	First Named Inventor	Mohamed K. Diab
	Art Unit	3736
SHEET 5 OF 5		Examiner
		Eric F. Winakur
		Attorney Docket No.
		MASIMO.236C1

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	117	5,632,272	05/1997	Diab, et al.	
	118	5,602,924	02/1997	Durand, et al.	
	119	5,590,649	01/1997	Caro, et al.	
	120	5,562,002	10/1986	Lalin	
	121	5,561,275	10/1996	Savage, et al.	
	122	5,533,511	07/1996	Kaspari, et al.	
	123	5,494,043	02/1996	O'Sullivan, et al.	
	124	5,490,505	02/1996	Diab, et al.	
	125	5,482,036	01/1996	Diab, et al.	
	126	D363,120	10/1995	Savage, et al.	
	127	5,452,717	09/1995	Branigan, et al.	
	128	D362,063	09/1995	Savage, et al.	
	129	D361,840	08/1995	Savage, et al.	
	130	5,431,170	07/1995	Mathews	
	131	D353,196	12/1994	Savage, et al.	
	132	D353,195	12/1994	Savage, et al.	
	133	5,337,744	08/1994	Branigan	
	134	5,163,438	11/1992	Gordon, et al.	
	135	5,069,213	12/1991	Polczynski	
	136	5,041,187	08/1991	Hink, et al.	
	137	4,964,408	10/1990	Hink, et al.	
	138	4,960,128	10/1990	Gordon, et al.	

2318420
012306

Examiner Signature	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	